IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Yasushi Takahashi, et al.
Serial No.	:	09/869,254
Filed	:	June 26, 2001
For	:	VIDEO INFORMATION EDITING METHOD AND EDITING DEVICE
Examiner	:	Vu, Thanh T.
Art Unit	:	2174
Confirmation No.	:	2265

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FIRST CLASS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Appeal Brief-Patents, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on August 14, 2006.

Thomas F. Presson, Reg. No. 41,442
Name of Applicant, Assignee or Registered Representative

Signature

August 14, 2006
Date of Signature

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Appeal Brief-Patents
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request review of the Final Rejection dated April 7, 2006 in the above-captioned application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Please consider the reasons stated herein.

I. REJECTIONS UNDER 35 U.S.C. §102(e)

Claims 1 and 33 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 5,917,990 to Zamara et al.

Claim 1 recites, *inter alia*:

> "...preparing an evaluation value of each of the shots or each of the scenes on the basis of the information provided corresponding to each of the shots or each of the scenes,
>
> wherein the information provided includes semantic evaluation information,
> wherein the information provided includes information relating to a presence/absence of a single or a plurality of video characteristic items...
>
> ...selecting from the regular edition video the shots or the scenes such that each of the evaluation values of the shots or the scenes satisfies a predetermined condition." (emphasis added)

As understood by Applicants, U.S. Patent No. 5,917,990 to Zamara et al. (hereinafter, merely "Zamara") relates to a process that allows precise control of the tape position in consumer videotape devices for the purpose of video editing. The process utilized software to locate a specific video frame within the digitized video. The process involves storing an initial set of calculated scene data, which include luminance and change in luminance values for each video frame. A second set of scene detection data is taken a reference point near the desired frame. The two values are compared and the videotape position is adjusted accordingly.

Applicants respectfully submit that nothing has been found in Zamara that would teach or suggest the above-identified feature of claim 1. Specifically, Applicants submit that Zamara fails to teach or suggest preparing an evaluation value of each of the shots or each of the scenes on the basis of the information provided corresponding to each of the shots or each of the scenes, wherein the information provided includes semantic evaluation information and wherein the information provided includes information relating to a presence/absence of a single or a plurality of video characteristic items, and selecting from the regular edition video the shots or the scenes such that each of the evaluation values of the shots or the scenes satisfies a predetermined condition, as recited in claim 1.

Applicants submit that the cited portions of Zamara, specifically col 3, lines 25-34 and lines 39-47, disclose the calculation of scene detect data from a single frame of video using an average frame luminance value.

Applicants submit that such disclosure does not disclose "the information provided includes semantic evaluation information" and that "the information provided includes information relating to a presence/absence of a single or a plurality of video characteristic items", as stated in the Office Action and therefore, does not render claim 1 unpatentable.

Therefore, claim 1 is patentable.

For reasons similar to those described above, independent claim 33 is also believed to be patentable.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 9, 41-48, and 57 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,917,990 to Zamara, et al. in view of U.S. Patent No. 5,995,095 to Ratakonda.

Claim 9 recites, *inter alia*:

> "...wherein the first and second condition are set in accordance with a type of preview, the type of preview being selected from a plurality of types of previews, which are set for different purposes." (emphasis added)

As understood by Applicants, U.S. Patent No. 5,995,095 to Ratakonda (hereinafter merely "Ratakonda") relates to hierarchical digital video summarization and browsing that includes inputting a digital video signal for a digital video sequence and then generating a hierarchical summary based on keyframes of the video sequence.

Applicants respectfully submit that nothing has been found in Zamara or Ratakonda, taken alone or in combination, that would teach or suggest the above-identified features of claim 9. Applicants submit that the cited portions of Ratakonda, col. 3 lines 40-52 and col. 5, lines 48-55, relate to hierarchical multilevel summary of single frames. The cited portions of Ratakonda do not teach or suggest anything about conditions being set.

Applicants submit that such disclosure does not disclose "the first and second condition are set in accordance with a type of preview, the type of preview being selected from a

plurality of types of previews, which are set for different purposes" and therefore, does not render claim 9 unpatentable.

Specifically, Applicants submit that Zamara and Ratakonda fail to teach or suggest that the first and second condition are set in accordance with a type of preview, the type of preview being selected from a plurality of types of previews, which are set for different purposes.

Therefore, claim 9 is patentable.

For reasons similar to those described above, independent claims 41 and 57 are also believed to be patentable.

Claims 65, 66, and 76 were rejected under 35 U.S.C. §103(a) as allegedly upatentable over U.S. Patent No. 6,738,100 to Hampapur, et al. in view of U.S. Patent No. 5,995,095 to Ratakonda.

Claim 65 recites, *inter alia*:

> "...wherein the selecting particular shots is performed using predetermined conditions associated with a type of preview, the type of preview being selected from a plurality of types of previews, which are set for different preview purposes."

As understood by Applicants, U.S. Patent No. 6,738,100 to Hampapur, et al. (hereinafter, merely "Hampapur") relates to processing video to extract a key-frame based adequate visual representation. A chromatic difference metric is extracted from a pair of video frames. An initial set of frames is chosen based the chromatic metric and a first threshold. A structural difference measurement is then extracted. A second threshold is used to select key frames from the initial set of frames. The output of this process is the visual representation.

Applicants respectfully submit that nothing has been found in Hampapur or Ratakonda, taken alone or in combination, that would teach or suggest the above-identified feature of claim 65.

Applicants submit that the cited portions of Ratakonda, col. 3 lines 40-52 and col. 5, lines 48-55, relate to hierarchical multilevel summary of single frames.

The cited portions of Ratakonda do not teach or suggest anything about using predetermined conditions associated with a type of preview to select particular shots and therefore, such disclosure does not render claim 65 unpatentable.

Specifically, Applicants submit that Hampapur and Ratakonda fail to teach or suggest that the selecting particular shots is performed using predetermined conditions associated with a type of preview, the type of preview being selected from a plurality of types of previews, which are set for different preview purposes. Therefore, claim 65 is patentable.

For reasons similar to those described above, independent claims 66 and 76 are also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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